

IN RE: PETITIONS FOR SPECIAL HEARING,	*	BEFORE THE
SPECIAL EXCEPTION & ZONING VARIANCE		
NWC East Drive & Stevens Avenue	*	ZONING COMMISSIONER
1332 Stevens Ave & 5308, 5310,		
and 5312 East Drive	*	OF BALTIMORE COUNTY
13th Election District		
1st Councilmanic District	*	Case No. 96-78-SPHXA
Shun Chor Lai, et ux		
Petitioners	*	

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This rather complex matter comes before the Zoning Commissioner on Petitions for Special Hearing, Special Exception and Zoning Variance all for the improvements located at 1332 Stevens Avenue, 5308, 5310 and 5312 East Avenue located in the Arbutus community of Baltimore County. The Petitions are filed by Sun Chor Lai and Shui Heung Lai, property owners. The Petitions actually involve four separate buildings on a single parcel of land located on the northwest corner of the intersection of East Drive and Stevens Avenue. As to the Petition for Special Hearing, relief is requested to approve the nonconforming aspects of the subject property for parking, residential and commercial uses and all other B.L.-C.C.C. requirements adopted after the construction and continuous of the site and buildings, as shown on the site plan. The Petition for Special Exception requests approval for living quarters in a commercial building, both existing and proposed apartments. The Petition for Zoning Variance seeks approval for four variances. They are from Sections 232.1 and 303.2 and are as follows:

1. Variance from Sections 232.1 and 303.2 of the Baltimore County Zoning Regulations (BCZR) to permit front building setbacks as close as 2 ft. in lieu of the required 18 ft. (along East Avenue);
2. Variance from Section 409.6 to permit 0 parking spaces in lieu of the maximum required 16 spaces;

ORDER RECEIVED FOR FILING

Date

By

10/25/96
Mr. Hoach

MICROFILMED

3. Variance from Section 232.A.1 to permit existing apartments on or below the first floor of a B.L.-C.C.C. zoned building;
4. From Section 232.A.2 to permit apartment windows facing a non-street property line to be as close as 14 ft. in lieu of the required 25 ft.

The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1., the site plan.

Appearing at the public hearing held for this case was Shun Chor Lai, property owner. Also present was Richard Phelps, the property manager. James Shelter, an architect, also appeared in support of the Petition. The Petitioner was represented by Newton A. Williams, Esquire. There were no Protestants or interested persons present.

The subject property is a rectangularly shaped parcel which is zoned B.L.-C.C.C. As noted above, the property is situated on the northwest corner of the intersection of East Drive and Stevens Avenue. The property is improved by a series of structures which are interconnected. The site plan and the numerous photographs submitted at the hearing show these structures and their existing uses.

The building at 5308 East Drive is a low rise structure with a brick facade. A video store rental business (Butch's Video) operates from this premise. An adjoining structure known as 5310 East Drive is immediately south of the video store. Presently, 5310 is vacant, however, it has been used in the past in connection with several retail businesses. Although attached to 5308, the structure at 5310 East Drive is of significantly different appearance. Attached to 5310 East Drive is a third structure owned by the Petitioner. This structure is known as 5312 East Drive and is a two story building. The first floor fronts East Drive and is occupied by a pet grooming shop. The second floor contains a residential apartment.

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Date

By

In addition to these structures fronting East Drive, the Petitioner owns an abutting structure which fronts Stevens Avenue, known as 1332 Stevens Avenue. This structure abuts and is connected to 5310 and 5312 East Avenue. Formerly, in 1990, this building contained an apartment and a single room on the first floor. The second floor contained three single rooms. These rooms were rented for residential purposes to individual tenants.

Further testimony and evidence offered was that a fire damaged and destroyed a portion of the subject property on December 5, 1993. Unfortunately, one of the single room tenants was killed as a result of this incident and the property suffered significant fire, smoke and water damage. The estimates to repair the damage range from \$100,000 to \$120,000. As a result of this damage, the Petitioner proposes renovating and rehabilitating the site. The three commercial establishments which front East Drive will continue to be utilized in the same manner. However, the residential portion of the property will be reconfigured. The Petitioner proposes eliminating the single rooms for rent. The second floor apartment of 5312 East Drive will remain, however, one apartment will be installed on the first floor of 1332 Stevens Avenue and a second apartment will be on the second floor of 1332 Stevens Avenue. There will no longer be any single rooms for rent.

Mr. Phelps testified and described the use of the properties both in the past, as described above, and the proposed uses. He indicated that he has managed the property since November of 1990 and believes that the repairs and proposed improvements will greatly enhance the site and neighborhood. He also observed that the property was previously owned by members of the Thrie family for many years. A combination of the retail and residential uses has been in existence on the property since prior to World War II.

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Date

By

James Shelter, an architect, assisting in the renovations of the property, also testified. He stated that the damage caused by the fire has presented the property owner with an opportunity to refurbish and upgrade the site. He noted that the exterior of the properties would be improved with siding and that other improvements would be made internally. He also noted that all apartments would be upgraded to comply with all building safety and fire codes.

Although the use and history of the property is somewhat complex, the decision to be reached on the Petitions presented is simple. A grant of the Petition for Special Exception and Variance will provide the property owner with a real opportunity to rehabilitate and refurbish this site. Such improvements will constitute a benefit not only to the subject property but to the Arbutus community at large.

As to the Petition for Special Exception, I am persuaded to approve same so as to allow living quarters in a commercial building. The three apartments proposed fit in nicely with the flow and architectural style of the improvements located on this site. Their use for residential purposes is consistent with the prior history and development of this site. Clearly, a grant of the special exception will not detrimentally affect the health, safety or general welfare of the community. To the contrary, it represents an improvement to the site.

The Petition for Variance should also be granted. In evaluating this Petition, consideration must be given to the standards set forth in Section 307.1 of the BCZR and the case law. Variance from the setbacks is required due to the unusual shape of the property and its existing improvements. The setbacks are consistent with other buildings in the area. Strict adherence to the setback regulations would improperly reduce the building envelope area and make the site unusable.

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Date

By

FORWARDED

As to the parking requirement, it is of note that public parking exists on the street as well as a lot immediately across Stevens Avenue. Again, there is no room on the subject property for off-street parking to be provided. Variance relief from Section 232.A.1 to permit existing apartments on or below the first floor of a B.L.-C.C.C. zone building is also appropriate, for the reasons as set forth in discussion of the special exception above.

Having granted the Petitions for Special Exception and Variance, the Petition for Special Hearing need not be addressed. That Petition requested only confirmation of the nonconforming aspects of the use of the subject property. In that the use will be legitimized by the special exception and variance relief, a nonconforming designation is not necessary. Therefore, the Petition for Special Exception and Variance shall be granted and the Petition for Special Hearing denied as moot.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

IT IS THEREFORE ORDERED, by the Zoning Commissioner for Baltimore County, this 24th day of October, 1995, that, pursuant to the Petition for Special Hearing, approval of the nonconforming aspects of the subject properties for parking, residential and commercial uses, be and is hereby DISMISSED, AS MOOT; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception, approval for living quarters in a commercial building, both existing and proposed apartments, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that variances from Sections 232.1 and 303.2 of the BCZR to permit front building setbacks as close as 2 ft. in lieu of the required 18 ft. (along East Avenue); Section 409.6 to permit 0 parking spaces in lieu of the maximum required 16 spaces; Section 232.A.1 to permit

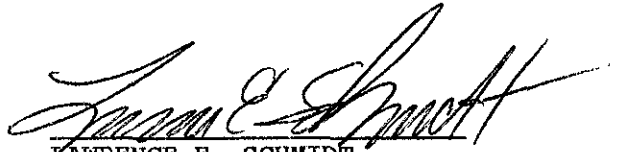
ORDER RECEIVED FOR FILING

Date

By

existing apartments on or below the first floor of a B.L.-C.C.C. zoned building; Section 232.A.2 to permit apartment windows facing a non-street property line to be as close as 14 ft., in lieu of the required 25 ft., be and is hereby GRANTED, subject, however to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING

Date

10/25/95

By



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 19, 1995

Newton A. Williams, Esquire
Nolan, Plunhoffs and Williams
210 W. Pennsylvania Avenue
Suite 700
Towson, Maryland 21204

RE: Petitions for Special Exception, Special Hearing and Variance
Case No. 96-78-SPHX
Shun Chor Lai, et ux, Petitioners

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Variance have been granted, and the Petition for Special Hearing has been dismissed as moot, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. and Mrs. Shun Chor Lai, 1808 Dulaney Valley Road, Lutherville





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1332 Stevens Ave. and 5308, 5310 and 5312 East Ave.

which is presently zoned BL-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See Petition Language Attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Newton A. Williams

(Type or Print Name)

Signature

Nolan, Plumhoff & Williams
210 W. Pennsylvania Ave., Suite 700
Towson MD 21204
City State Zipcode

Legal Owner(s):

Shan Chor Lai

(Type or Print Name)

Signature

Shui Heung Lai

(Type or Print Name)

Signature

1808 Dulaney Valley Rd., 828-1518

Address

Phone No.

Lutherville

MD

21093

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams

Name 210 W. Pennsylvania Ave., Suite 700
Towson, MD 21204 823-7800

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

Do Not Set Between July 10th and 17th Due to a Scheduling Conflict

96-78-S PHXA

The non-conforming aspects of the subject property for parking, residential and commercial uses, and all other BL-CCC requirements adopted after the construction and continuous use of the site and buildings as shown on the site plan.

MICROFILMED



Petition for Variance

96-78-S PHXA

to the Zoning Commissioner of Baltimore County

for the property located at 1332 Stevens Avenue and 5308, 5310 and 5312 East Avenue

which is presently zoned BL-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Language Attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Language Attached.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Newton A. Williams

(Type or Print Name)

Signature

Nolan, Plumhoff & Williams

210 W. Pennsylvania Ave. 823-7800

Address

Towson

Phone No.

MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Shun Chor Lai

(Type or Print Name)

Signature

Shui Heung Lai

(Type or Print Name)

Signature

1808 Dulaney Valley Rd.

828-1518

Address

Phone No.

Lutherville

MD

21093

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Newton A. Williams Esquire

Nolan, Plumhoff & Williams

Name

210 W. Pennsylvania Avenue

Towson, MD 21204

823-7800

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

REQUESTED VARIANCES

96-78-SPHXA

The existing residential and commercial, retail uses, legal uses, currently non-conforming for certain site standards, including, but not only, the following requested variances:

1. From Sections 232.1 and 303.2 to permit front building setback(s) as close as 2 feet in lieu of the required 18 feet (along East Avenue);

2. Zero (0) parking spaces in lieu of the maximum required 16 spaces under Section 409.6;

3. From Section 232A.1 to permit existing apartments on or below the first floor of a BL-CCC zoned building;

4. From 232A.2 to permit apartment windows facing a non-street property line, to be as close as 14 feet in lieu of the required 25 feet.

REASONS FOR REQUESTED VARIANCE

1. The subject site at 1332 Stevens Ave. and 5308, 5310 and 5312 Stevens Avenue is unique in that was first classified "E" commercial in 1947, was adopted at that time for the present apartment and commercial use, and was properly approved without the requirement of offstreet parking and certain building setbacks now imposed by the BL-CCC zone, not then imposed in 1948.

2. That the BL was not imposed until the 1955 Regulations, while the CCC District is a product of Bill 40-1967.

3. That the owner purchased and used these properties in good faith and lawfully until hampered by partial fire damage to the property in December, 1993.

4. That the building is presently under repair, but zoning has required these hearings prior to approval of full reoccupancy.

5. That the fire has caused great economic loss, and this loss is compounded by the present, more rigorous BL-CCC Zoning Regulations.

6. That the buildings have existed in their present commercial/residential configuration since the 1940's.

7. That, but for the fire, this commercial/residential occupancy would have continued without partial interruption.

8. That there is no on site space available for parking, and there is public, on street parking available in the area on Stevens Avenue and East Avenue. That the site has functioned well as a practical matter since the 1940's.

WILLSON 507

96-78-S PHXA

9. That without the requested variances and/or non-conforming use recognition, this building may not be allowed to be used as zoned in 1947, for commercial/residential use under the restrictions of Section 104 of the Regulations, although Mr. Lai has been diligently pursuing approved repairs, the possible need for zoning relief/approvals only recently having surfaced.

10. That the health, safety and welfare of the area will be fostered and improved by the completion of repairs and the full reoccupation of the building for commercial/residential uses.

9709C

MICROFILMED

72

SILBERMANN & ASSOCIATES
ENGINEERS / PLANNERS / SURVEYORS

96-78-SGA XA

ZONING DESCRIPTION

BEGINNING FOR THE SAME AT A POINT ON THE EASTERN SIDE OF STEVENS AVENUE WHICH IS 34' WIDE AT A DISTANCE OF 40' WESTERLY OF THE CENTERLINE OF EAST DRIVE, WHICH IS 80' WIDE.

THENCE, THE FOLLOWING 4 COURSES AND DISTANCES:

- 1.) NORTH 43 57'00" WEST 99.94'
- 2.) NORTH 46 03'00" EAST 93.45'
- 3.) SOUTH 44 24'00" EAST 43.48'
- 4.) SOUTH 15 00'00" WEST 109.48'

TO THE PLACE OF BEGINNING.

BEING A PART OF THE SUBDIVISION NAMED " ARBUTUS TERRACE" AS RECORDED IN BALTIMORE COUNTY PLAT BOOK 7, FOLIO 156. ALSO KNOWN AS #1332 STEVENS AVENUE, #5312, #5310 AND #5308 EAST DRIVE. CONTAINING 11,755.7 SQUARE FEET, OR 0.27 ACRES OF LAND, MORE OR LESS.



96-78-SPTX 12

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Township, Maryland

District _____

Date of Posting 9/22/95

Posted for: Special Hearing & Variance

Petitioner: Shun Chor Lai & Shui Heung Lai

Location of property: 1332 STORERS AVE. - 5308 10 1/2 East Drive

Location of Signs: Facing road way on property being zoned

Remarks: _____

Posted by [Signature] Date of return: 9/29/95
Signature

Number of Signs: 1

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows

Case: 96-78-SPHX
(Item 72)
1322 Stevens Avenue and
8308/6310, 6312 East Drive
NW of East Drive and Stevens
Avenue
13th Election District
1st Councilmanic
Legal Owner(s):

Shun Chor Lai and Shui Heung
Lai
Hearing: Tuesday,
October 10, 1995 at 10:00 a.m.
in Rm. 118, Old Courthouse.

Special Hearing to approve the non-conforming aspects of the subject property for p...g, residential, and commercial uses) and all other B1, C1C2 requirements adopted after the construction and continuous use of the site and buildings as shown on the site plan. Special Exception for living quarters in a commercial building (existing and proposed apartments). Variance to permit front building setbacks as close as 2 feet in lieu of the required 18 feet (along East Avenue), to permit zoning exceptions in lieu of the minimum required 16 spaces for parking spaces for apartments on the first floor

of a B1, C1C2-zoned building and to permit apartment windows facing a non-street property line to be as close as 14 feet in lieu of the required 25 feet

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special
accommodations: Please Call
887-3363.

(2) For information concerning
the File and/or Hearing, Please

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 19 95

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/21, 19 95.

THE JEFFERSONIAN,

G. H. ...
LEGAL AD: TOWSON

HIGHLIGHTED
WORDING FOR
SIGN POSTING
OK PER ATTN.
ON THESE SHEETS
72

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. #72 BY JLL
004923

DATE 8/17/95 ACCOUNT R0016150

96-78-SPHXA

AMOUNT \$ 685.00

RECEIVED FROM: NP+W FOR SHUN CHOR LAI
ADD: 1332 STEVENS AVE. 4 5308, 5310, 5312 EAST DR.

FOR: SPHXA FILING AND SIGN

MICROFILMED

01A01H0009MICHRC
BA C008:50AM08-17-95

\$685.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

REQUESTED VARIANCES

The existing residential and commercial, retail uses, legal uses, currently non-conforming for certain site standards, including, but not only, the following requested variances:

1. From Sections 232.1 and 303.2 to permit front building setback(s) as close as 2 feet in lieu of the required 18 feet (along East Avenue);

2. ~~16~~Zero (0) parking spaces in lieu of the maximum required 22 spaces under Section 409.6;

3. From Section 232A.1 to permit existing apartments on or below the first of a BL-CC₂ zoned building;

4. From 232A.2 to permit apartment windows facing a non-street property line, to be as close as 14 feet in lieu of the required 25 feet.

REASONS FOR REQUESTED VARIANCE

1. The subject site at 1332 Stevens Ave. and 5308, 5310 and 5312 Stevens Avenue is unique in that was first classified "E" commercial in 1947, was adopted at that time for the present apartment and commercial use, and was properly approved without the requirement of offstreet parking and certain building setbacks now imposed by the BL-CCC zone, not then imposed in 1948.

2. That the BL was not imposed until the 1955 Regulations, while the CCC District is a product of Bill 40-1967.

3. That the owner purchased and used these properties in good faith and lawfully until hampered by partial fire damage to the property in December, 1993.

4. That the building is presently under repair, but zoning has required these hearings prior to approval of full reoccupancy.

5. That the fire has caused great economic loss, and this loss is compounded by the present, more rigorous BL-CCC Zoning Regulations.

6. That the buildings have existed in their present commercial/residential configuration since the 1940's.

7. That, but for the fire, this commercial/residential occupancy would have continued without partial interruption.

8. That there is no on site space available for parking, and there is public, on street parking available in the area on Stevens Avenue and East Avenue. That the site has functioned well as a practical matter since the 1940's.

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Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1332 Stevens Avenue and 5312 East Drive

which is presently zoned BL-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for living quarters in a commercial building (existing and proposed apartments)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Newton A. Williams

(Type or Print Name)

Signature

Newton A. Williams
Nolan, Plumhoff & Williams

210 W Pennsylvania Avenue, Suite 700

Address

Phone No. 823-7800

Towson

MD

21204

City

State

Zipcode

Legal Owner(s):

Shun Chor Lai

(Type or Print Name)

Signature

Shui Heung Lai

(Type or Print Name)

Signature

1808 Dulaney Valley Road

828-1518

Address

Phone No.

Lutherville

MD

21093

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Newton A. Williams, Esquire

Nolan, Plumhoff & Williams

Name 210 W. Pennsylvania Ave., Suite 700

Towson, MD 21204

823-7800

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

The non-conforming aspects of the subject property for parking, residential and commercial uses, and all other BL-CCC requirements adopted after the construction and continuous use of the site and buildings as shown on the site plan.

[illegible]



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 72

Petitioner: LAI

Location: NW CORNER OF STEVENS AVE + EAST DR.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Norton A. Williams, NPAW

ADDRESS: 700 Court Towers, 210 W. Penn. Ave.
Towson, Md. 21204

PHONE NUMBER: 410 823-7800

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
September 21, 1995 Issue - Jeffersonian

Please forward billing to:

Newton A. Williams, Esq.
700 Court Towers
210 W. Pennsylvania Avenue
Towson MD 21204
823-7800

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-78-SPHXA (Item 72)
1332 Stevens Avenue and
5308, 5310, 5312 East Drive
NWC East Drive and Stevens Avenue
13th Election District - 1st Councilmaic
Legal Owner: Shun Chor Lai and Shui Heung Lai
HEARING: TUESDAY, OCTOBER 10, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve the non-conforming aspects of the subject property for parking, residential and commercial uses, and all other BL-CCC requiremets adopted after the construction and continuous use of the site and buildings as shown on the site plan.

Special Exception for living quarters in a commercial building (existing and proposed apartments).
Variance to permit front building setbacks as close as 2 feet in lieu of the required 18 feet (along East Avenue); to permit zero parking spaces in lieu of the maximum required 16 spaces; to permit existing apartments on or below the first floor of a B.L.-C.C.C. zoned building; and to permit apartment windows facing a non-street property line, to be as close as 14 feet in lieu of the required 25 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 11, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-78-SPHXA (Item 72)

1332 Stevens Avenue and

5308, 5310, 5312 East Drive

NWC East Drive and Stevens Avenue

13th Election District - 1st Councilmaic

Legal Owner: Shun Chor Lai and Shui Heung Lai

HEARING: TUESDAY, OCTOBER 10, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve the non-conforming aspects of the subject property for parking, residential and commercial uses, and all other BL-CCC requirements adopted after the construction and continuous use of the site and buildings as shown on the site plan.

Special Exception for living quarters in a commercial building (existing and proposed apartments).

Variance to permit front building setbacks as close as 2 feet in lieu of the required 18 feet (along East Avenue); to permit zero parking spaces in lieu of the maximum required 16 spaces; to permit existing apartments on or below the first floor of a B.L.-C.C.C. zoned building; and to permit apartment windows facing a non-street property line, to be as close as 14 feet in lieu of the required 25 feet.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Shun and Shui Lai
Newton A. Williams, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

RECEIVED 10/11/95





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 3, 1995

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
210 W. Pennsylvania Ave., Suite 700
Towson, Maryland 21204

RE: Item No.: 72
Case No.: 96-78-SPHXA
Petitioner: Shun Chor Lai

Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 17, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Sept. 7, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for September 5, 1995
Item No. 072

The Development Plans Review Division has reviewed the subject zoning item. This office recommends that the Hearing Officer make this site subject to the Landscape Manual to the extent possible.

RWB:sw

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/30/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SHUN CHOR LAI & SHUI HEUNG LAI

LOCATION: NWC EAST DR. AND STEVENS AVE. (1332 STEVENS AVE. 5308, 5310
5312 EAST DRIVE)

Item No.: 072

Zoning Agenda: SPECIAL HEARING, VARIANCE
SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

MICROFILMED

RECEIVED

SEP 5 1995

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

ZADM



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: September 20, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 72, 118, 121, 122²

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM *Joyce Watson*
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 8/28/95

DATE: 8/30/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 65
66
67
68
72
74
78
79₂

LS:sp

LETTY2/DEPRM/TXTS8P

RECEIVED



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-30-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 072 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

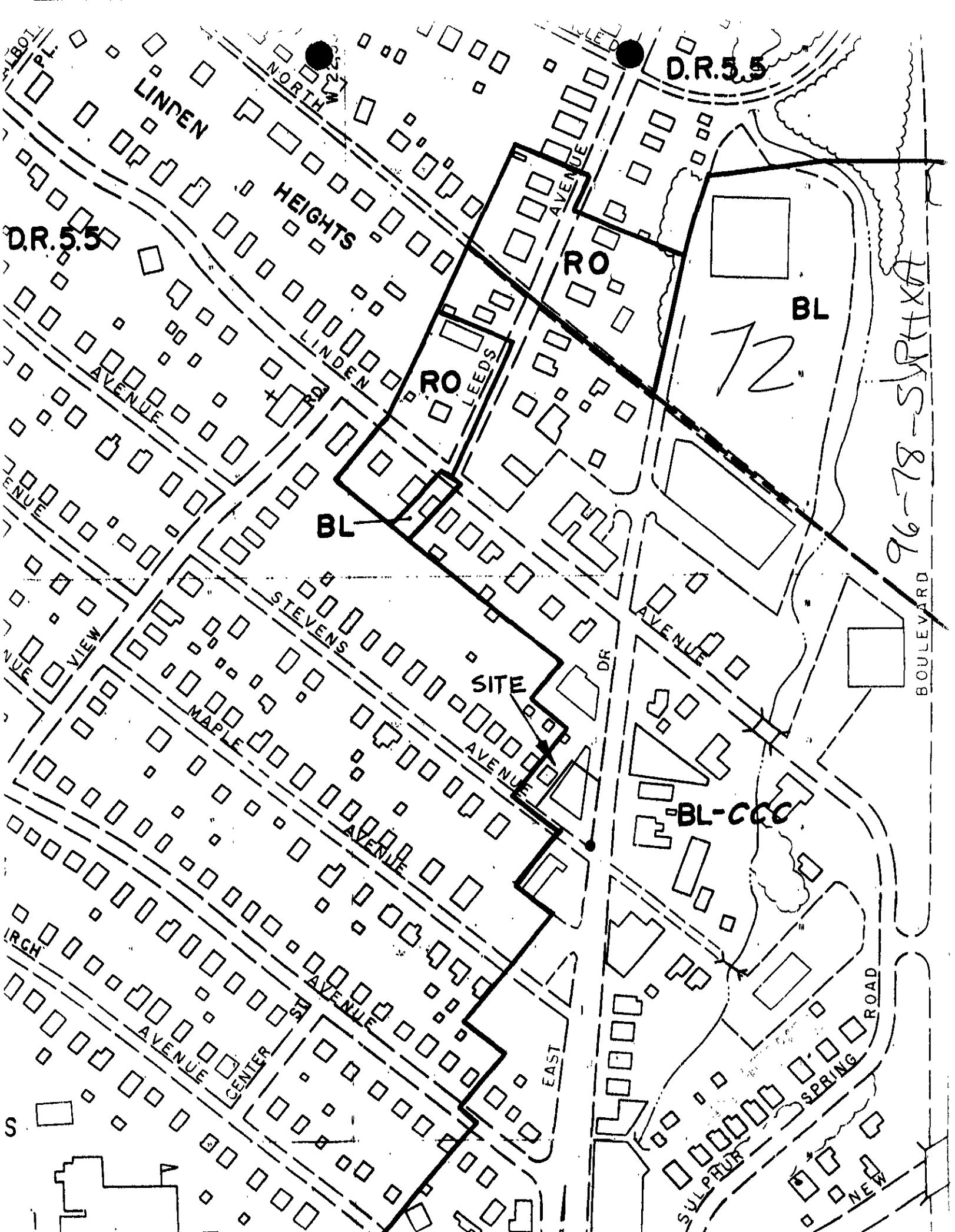
for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



D.R. 5.5

D.R. 5.5

LINDEN

HEIGHTS

RO

BL

72

RO

LEEDS

BL

SITE

BL-CCC

96-78-SR4X4

BOULEVARD

PL

AVENUE

AVENUE

AVENUE

AVENUE

S

STEVENS

MAPLE

CENTER

EAST

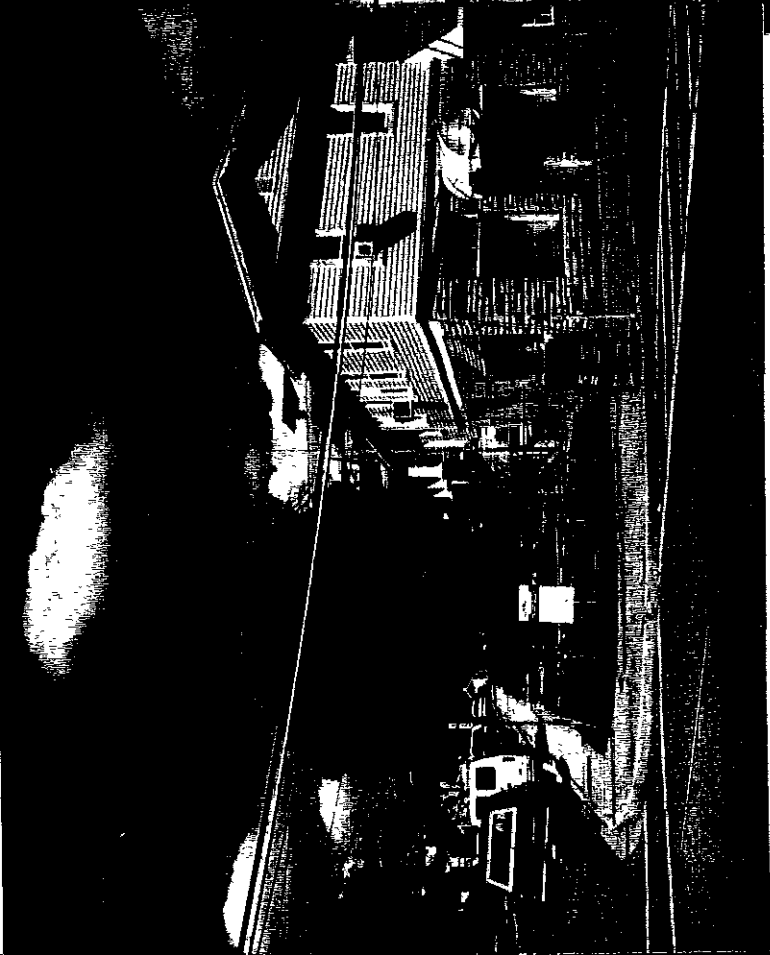
SULPHUR

SPRING

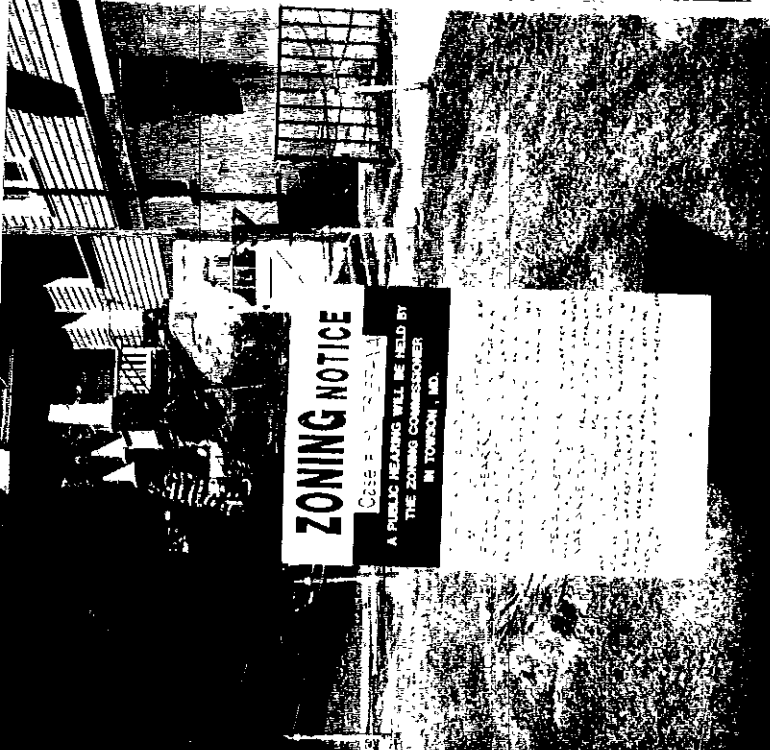
NEW

● FEMA MAPS ●
very
lot 390

very top 505



A. Subject Property at North corner of East Drive and Stevens Ave.



B. Photo of Zoning Notice sign



C. View of Damaged upper story of Stevens from East Drive

MICROFILMED

Case No. 96-78-5PDXA
Stevens Avenue & East Drive



D. 5312

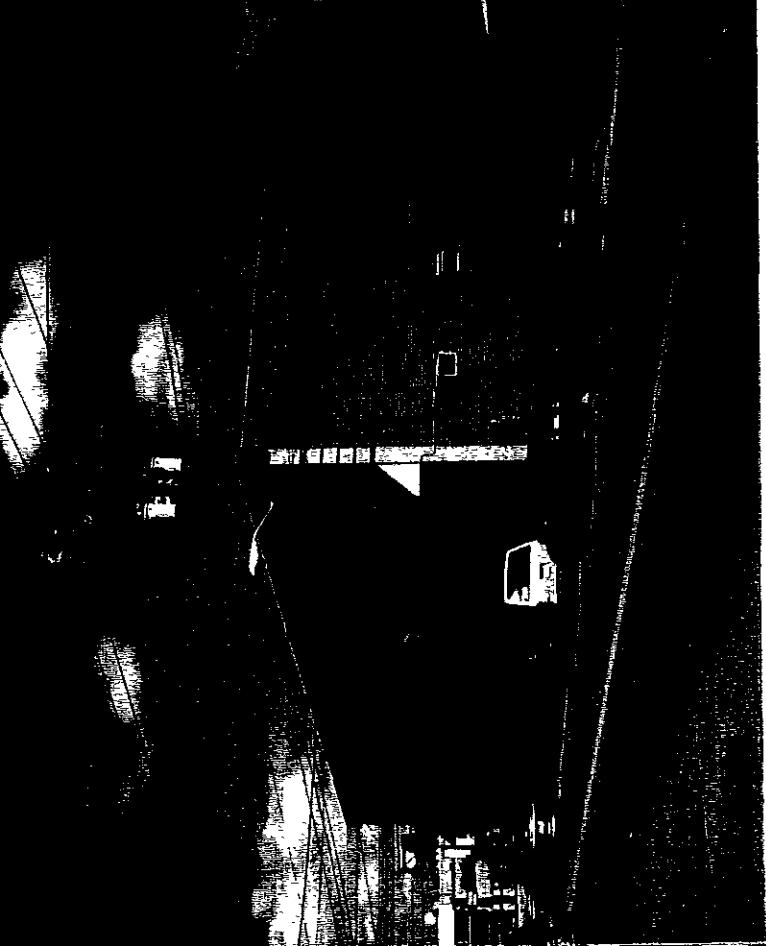
5310

Panoramic View of 5300 Block of East Drive from South side looking north.

5306

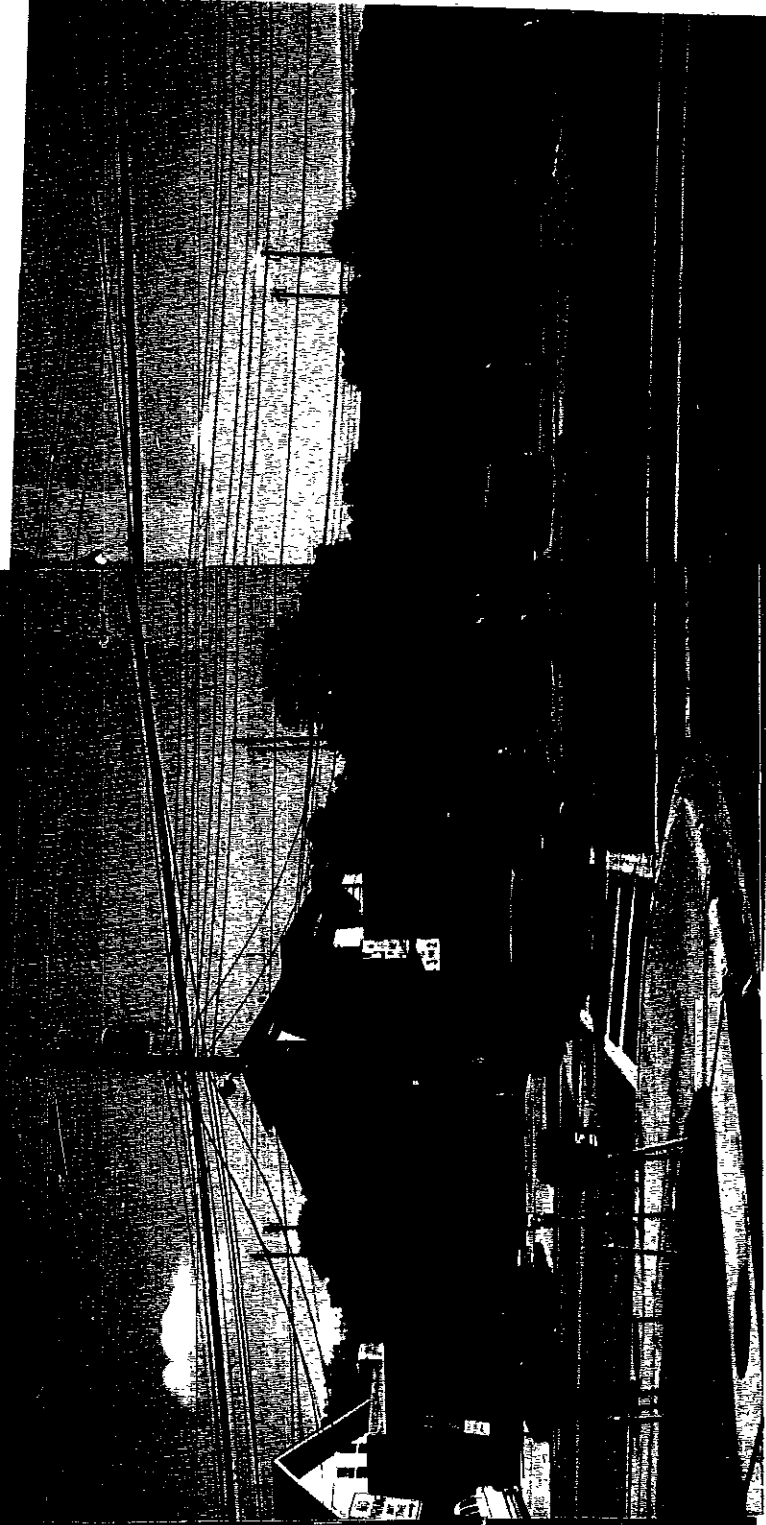
5308

5302



E, 5305

5307



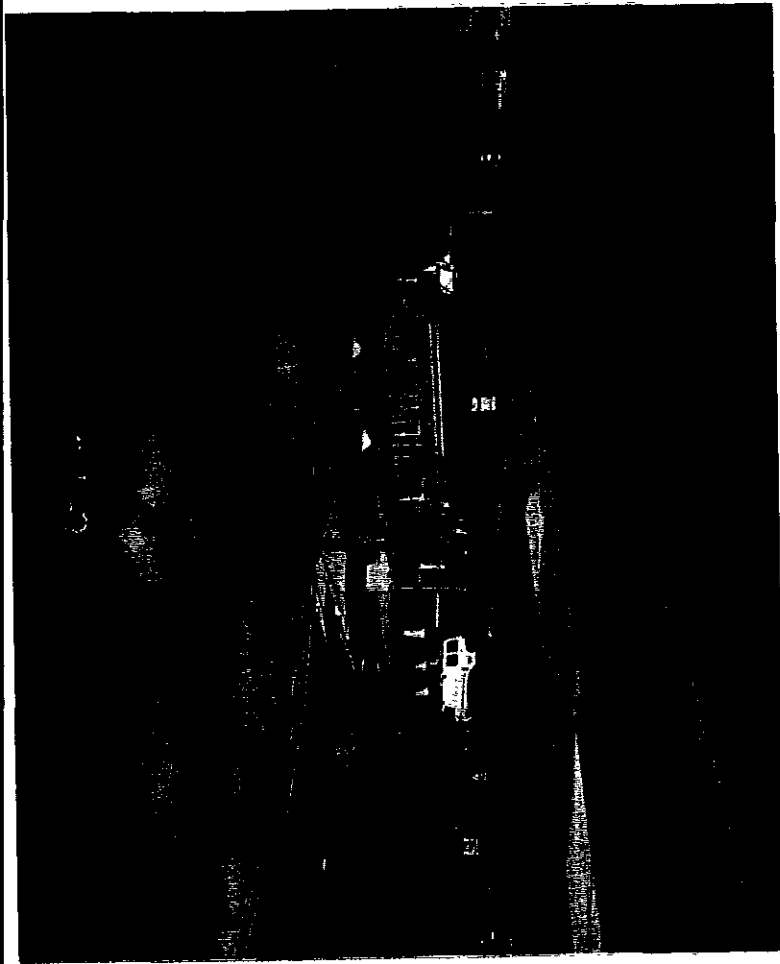
5309

5311

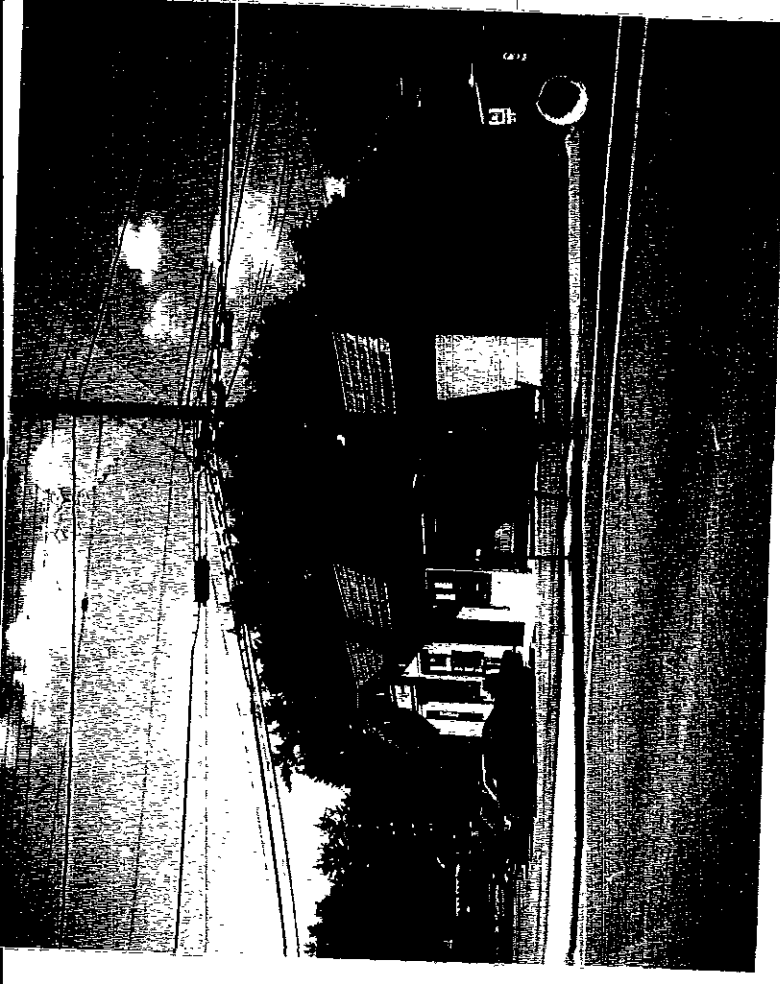
5313

Panoramic View of South side of East Drive - 5300 Block. opposite site

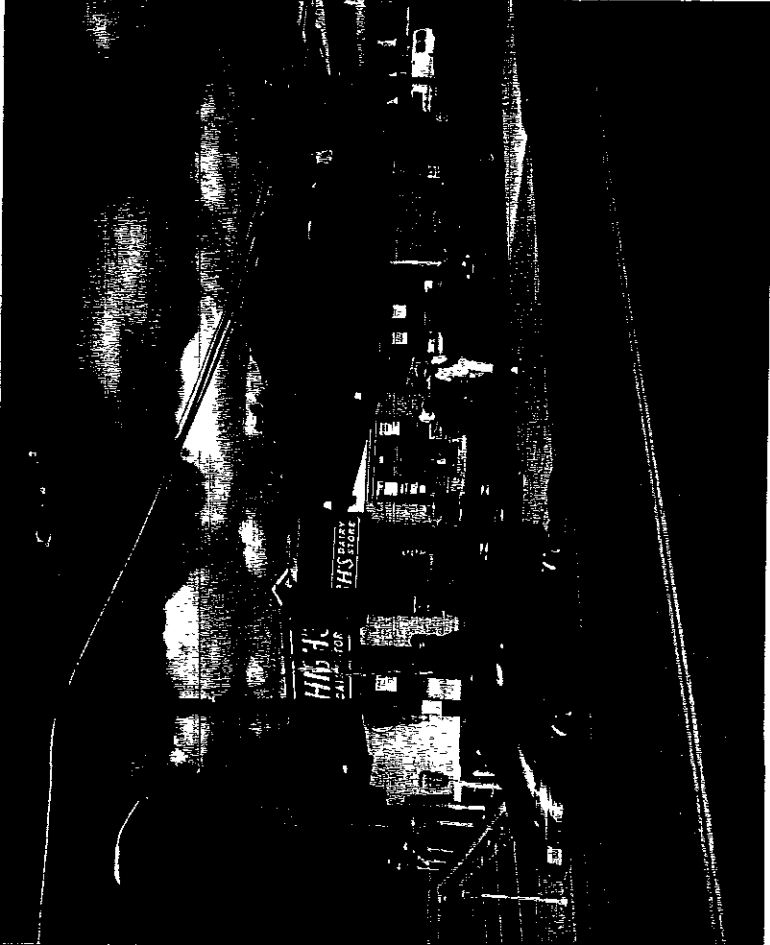
ENCLOSURE



G. Looking NE on East Ave - subject site
on corner.



H. Convenience store on NW corner of.
East Oakland Avenue.



I. Another view of convenience store opp.
1332 Stearns Ave.



J. Balt. County Revenue Lot on N/S of
East Drive which surrounds the
convenience store

4855/01

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & ZONING VARIANCE * ZONING COMMISSIONER
NWC East Drive & Stevens Avenue *
1332 Stevens Ave & 5308, 5310, *
and 5312 East Drive * OF BALTIMORE COUNTY
13th Election District *
1st Councilmanic District * Case No. 96-78-SPHXA
Shun Chor Lai, et ux *
Petitioners *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This rather complex matter comes before the Zoning Commissioner on Petitions for Special Hearing, Special Exception and Zoning Variance all for the improvements located at 1332 Stevens Avenue, 5308, 5310 and 5312 East Avenue located in the Arbutus community of Baltimore County. The Petitions are filed by Sun Chor Lai and Shui Heung Lai, property owners. The Petitions actually involve four separate buildings on a single parcel of land located on the northwest corner of the intersection of East Drive and Stevens Avenue. As to the Petition for Special Hearing, relief is requested to approve the nonconforming aspects of the subject property for parking, residential and commercial uses and all other B.L.-C.C.C. requirements adopted after the construction and continuous of the site and buildings, as shown on the site plan. The Petition for Special Exception requests approval for living quarters in a commercial building, both existing and proposed apartments. The Petition for Zoning Variance seeks approval for four variances. They are from Sections 232.1 and 303.2 and are as follows:

1. Variance from Sections 232.1 and 303.2 of the Baltimore County Zoning Regulations (BCZR) to permit front building setbacks as close as 2 ft. in lieu of the required 18 ft. (along East Avenue);
2. Variance from Section 409.6 to permit 0 parking spaces in lieu of the maximum required 16 spaces;

3. Variance from Section 232.A.1 to permit existing apartments on or below the first floor of a B.L.-C.C.C. zoned building;
4. From Section 232.A.2 to permit apartment windows facing a non-street property line to be as close as 14 ft. in lieu of the required 25 ft.

The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1., the site plan.

Appearing at the public hearing held for this case was Shun Chor Lai, property owner. Also present was Richard Phelps, the property manager. James Shelter, an architect, also appeared in support of the Petition. The Petitioner was represented by Newton A. Williams, Esquire. There were no Protestants or interested persons present.

The subject property is a rectangularly shaped parcel which is zoned B.L.-C.C.C. As noted above, the property is situated on the northwest corner of the intersection of East Drive and Stevens Avenue. The property is improved by a series of structures which are interconnected. The site plan and the numerous photographs submitted at the hearing show these structures and their existing uses.

The building at 5308 East Drive is a low rise structure with a brick facade. A video store rental business (Butch's Video) operates from this premise. An adjoining structure known as 5310 East Drive is immediately south of the video store. Presently, 5310 is vacant, however, it has been used in the past in connection with several retail businesses. Although attached to 5308, the structure at 5310 East Drive is of significantly different appearance. Attached to 5310 East Drive is a third structure owned by the Petitioner. This structure is known as 5312 East Drive and is a two story building. The first floor fronts East Drive and is occupied by a pet grooming shop. The second floor contains a residential apartment.

-2-

In addition to these structures fronting East Drive, the Petitioner owns an abutting structure which fronts Stevens Avenue, known as 1332 Stevens Avenue. This structure abuts and is connected to 5310 and 5312 East Avenue. Formerly, in 1990, this building contained an apartment and a single room on the first floor. The second floor contained three single rooms. These rooms were rented for residential purposes to individual tenants.

Further testimony and evidence offered was that a fire damaged and destroyed a portion of the subject property on December 5, 1993. Unfortunately, one of the single room tenants was killed as a result of this incident and the property suffered significant fire, smoke and water damage. The estimates to repair the damage range from \$100,000 to \$120,000. As a result of this damage, the Petitioner proposes renovating and rehabilitating the site. The three commercial establishments which front East Drive will continue to be utilized in the same manner. However, the residential portion of the property will be reconfigured. The Petitioner proposes eliminating the single rooms for rent. The second floor apartment of 5312 East Drive will remain, however, one apartment will be installed on the first floor of 1332 Stevens Avenue and a second apartment will be on the second floor of 1332 Stevens Avenue. There will no longer be any single rooms for rent.

Mr. Phelps testified and described the use of the properties both in the past, as described above, and the proposed uses. He indicated that he has managed the property since November of 1990 and believes that the repairs and proposed improvements will greatly enhance the site and neighborhood. He also observed that the property was previously owned by members of the Ihrie family for many years. A combination of the retail and residential uses has been in existence on the property since prior to World War II.

-3-

James Shelter, an architect, assisting in the renovations of the property, also testified. He stated that the damage caused by the fire has presented the property owner with an opportunity to refurbish and upgrade the site. He noted that the exterior of the properties would be improved with siding and that other improvements would be made internally. He also noted that all apartments would be upgraded to comply with all building safety and fire codes.

Although the use and history of the property is somewhat complex, the decision to be reached on the Petitions presented is simple. A grant of the Petition for Special Exception and Variance will provide the property owner with a real opportunity to rehabilitate and refurbish this site. Such improvements will constitute a benefit not only to the subject property but to the Arbutus community at large.

As to the Petition for Special Exception, I am persuaded to approve same so as to allow living quarters in a commercial building. The three apartments proposed fit in nicely with the flow and architectural style of the improvements located on this site. Their use for residential purposes is consistent with the prior history and development of this site. Clearly, a grant of the special exception will not detrimentally affect the health, safety or general welfare of the community. To the contrary, it represents an improvement to the site.

The Petition for Variance should also be granted. In evaluating this Petition, consideration must be given to the standards set forth in Section 307.1 of the BCZR and the case law. Variance from the setbacks is required due to the unusual shape of the property and its existing improvements. The setbacks are consistent with other buildings in the area. Strict adherence to the setback regulations would improperly reduce the building envelope area and make the site unusable.

-4-

As to the parking requirement, it is of note that public parking exists on the street as well as a lot immediately across Stevens Avenue. Again, there is no room on the subject property for off-street parking to be provided. Variance relief from Section 232.A.1 to permit existing apartments on or below the first floor of a B.L.-C.C.C. zone building is also appropriate, for the reasons as set forth in discussion of the special exception above.

Having granted the Petitions for Special Exception and Variance, the Petition for Special Hearing need not be addressed. That Petition requested only confirmation of the nonconforming aspects of the use of the subject property. In that the use will be legitimized by the special exception and variance relief, a nonconforming designation is not necessary. Therefore, the Petition for Special Exception and Variance shall be granted and the Petition for Special Hearing denied as moot.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

IT IS THEREFORE ORDERED, by the Zoning Commissioner for Baltimore County, this 24th day of October, 1995, that, pursuant to the Petition for Special Hearing, approval of the nonconforming aspects of the subject properties for parking, residential and commercial uses, be and is hereby DISMISSED, AS MOOT; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception, approval for living quarters in a commercial building, both existing and proposed apartments, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that variances from Sections 232.1 and 303.2 of the BCZR to permit front building setbacks as close as 2 ft. in lieu of the required 18 ft. (along East Avenue); Section 409.6 to permit 0 parking spaces in lieu of the maximum required 16 spaces; Section 232.A.1 to permit

existing apartments on or below the first floor of a B.L.-C.C.C. zoned building; Section 232.A.2 to permit apartment windows facing a non-street property line to be as close as 14 ft., in lieu of the required 25 ft., be and is hereby GRANTED, subject, however to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 19, 1995

Newton A. Williams, Esquire
Nolan, Plumhoff and Williams
210 W. Pennsylvania Avenue
Suite 700
Towson, Maryland 21204

RE: Petitions for Special Exception, Special Hearing and Variance
Case No. 96-78-SPHXA
Shun Chor Lai, et ux, Petitioners

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Variance have been granted, and the Petition for Special Hearing has been dismissed as moot, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn

att.

cc: Mr. and Mrs. Shun Chor Lai, 1808 Dulaney Valley Road, Lutherville



Petition for Special Hearing
96-78-SPHXA
to the Zoning Commissioner of Baltimore County

for the property located at 1332 Stevens Ave. and 5308, 5310 and 5312 East Ave.
which is presently zoned BL-CGC

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See Petition Language Attached

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Petitioner	Shun Chor Lai	
Type of Petition		
Signature		
Address		
City	State	Zip Code
Attorney for Petitioner		Phone No.
Newton A. Williams	Lutherville	MD 21093
Type of Petition		Zip Code
Newton A. Williams, Esquire		
Nolan, Plumhoff & Williams		
210 W. Pennsylvania Ave., Suite 700		
Towson, MD 21204		
Address	Phone No.	
Towson	MD 21204	
City	State	Zip Code
Office Use Only		
ESTIMATED LENGTH OF HEARING		
By following date:		Best Time Month
ALL OTHER DATE		
RECEIVED BY:		DATE

Do Not Set Between July 10th and 17th Due to a Scheduling Conflict

ORDER RECEIVED FOR FILING
Date 10/20/95
By Sh. Shook

ORDER RECEIVED FOR FILING
Date 10/20/95
By Sh. Shook

ORDER RECEIVED FOR FILING
Date 10/20/95
By Sh. Shook

ORDER RECEIVED FOR FILING
Date 10/20/95
By Sh. Shook

96-78-SPHXA

The non-conforming aspects of the subject property for parking, residential and commercial uses, and all other BL-CCC requirements adopted after the construction and continuous use of the site and buildings as shown on the site plan.



Petition for Special Exception to the Zoning Commissioner of Baltimore County for the property located at 1332 Stevens Avenue and 5312 East Drive which is presently zoned BL-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for living quarters in a commercial building (existing and proposed apartments)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City State Zipcode

Why do you hereby declare and affirm, under the penalties of perjury, that you are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner:
(Type or Print Name)
Signature
Address
City State Zipcode

1808 Dulany Valley Road 828-1518
Lutherville MD 21093
Newton A. Williams
Nolan, Plumbhoff & Williams
210 W. Pennsylvania Ave. 823-7800
Towson, MD 21204

ESTIMATED LENGTH OF HEARING: _____
The following dates: _____
ALL OTHER _____
REVIEWED BY: _____ DATE: _____



Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 1332 Stevens Avenue and 5308, 5310 and 5312 East Avenue which is presently zoned BL-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Language Attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See Language Attached.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City State Zipcode

Why do you hereby declare and affirm, under the penalties of perjury, that you are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner:
(Type or Print Name)
Signature
Address
City State Zipcode

1808 Dulany Valley Rd. 828-1518
Lutherville MD 21093
Newton A. Williams
Nolan, Plumbhoff & Williams
210 W. Pennsylvania Ave. 823-7800
Towson, MD 21204

ESTIMATED LENGTH OF HEARING: _____
The following dates: _____
ALL OTHER _____
REVIEWED BY: _____ DATE: _____

REQUESTED VARIANCES 96-78-SPHXA

The existing residential and commercial, retail uses, legal uses, currently non-conforming for certain site standards, including, but not only, the following requested variances:

1. From Sections 232.1 and 303.2 to permit front building setback(s) as close as 2 feet in lieu of the required 12 feet (along East Avenue);
2. Zero (0) parking spaces in lieu of the maximum required 16 spaces under Section 409.6;
3. From Section 232A.1 to permit existing apartments on or below the first floor of a BL-CCC zoned building;
4. From 232A.2 to permit apartment windows facing a non-street property line, to be as close as 14 feet in lieu of the required 25 feet.

REASONS FOR REQUESTED VARIANCE

1. The subject site at 1332 Stevens Ave. and 5308, 5310 and 5312 Stevens Avenue is unique in that was first classified "E" commercial in 1947, was adopted at that time for the present apartment and commercial use, and was properly approved without the requirement of offstreet parking and certain building setbacks now imposed by the BL-CCC zone, not then imposed in 1948.
2. That the BL was not imposed until the 1955 Regulations, while the CCC District is a product of Bill 40-1967.
3. That the owner purchased and used these properties in good faith and lawfully until hampered by partial fire damage to the property in December, 1993.
4. That the building is presently under repair, but zoning has required these hearings prior to approval of full reoccupancy.
5. That the fire has caused great economic loss, and this loss is compounded by the present, more rigorous BL-CCC Zoning Regulations.
6. That the buildings have existed in their present commercial/residential configuration since the 1940's.
7. That, but for the fire, this commercial/residential occupancy would have continued without partial interruption.
8. That there is no on site space available for parking, and there is public, on street parking available in the area on Stevens Avenue and East Avenue. That the site has functioned well as a practical matter since the 1940's.

96-78-SPHXA

9. That without the requested variances and/or non-conforming use recognition, this building may not be allowed to be used as zoned in 1947, for commercial/residential use under the restrictions of Section 104 of the Regulations, although Mr. Lai has been diligently pursuing approved repairs, the possible need for zoning relief/approvals only recently having surfaced.

10. That the health, safety and welfare of the area will be fostered and improved by the completion of repairs and the full reoccupation of the building for commercial/residential uses.

SILBERMANN & ASSOCIATES ENGINEERS/ PLANNERS/ SURVEYORS

ZONING DESCRIPTION

BEGINNING FOR THE SAME AT A POINT ON THE EASTERN SIDE OF STEVENS AVENUE WHICH IS 34' WIDE AT A DISTANCE OF 40' WESTERLY OF THE CENTERLINE OF EAST DRIVE, WHICH IS 80' WIDE.

THENCE, THE FOLLOWING 4 COURSES AND DISTANCES:

- 1) NORTH 43 57'00" WEST 99.94'
- 2) NORTH 46 03'00" EAST 93.45'
- 3) SOUTH 44 24'00" EAST 43.48'
- 4) SOUTH 15 00'00" WEST 109.48'

TO THE PLACE OF BEGINNING.

BEING A PART OF THE SUBDIVISION NAMED "ARBUTUS TERRACE" AS RECORDED IN BALTIMORE COUNTY PLAT BOOK 7, FOLIO 156. ALSO KNOWN AS #1332 STEVENS AVENUE, #5312, #5310 AND #5308 EAST DRIVE. CONTAINING 11,755.7 SQUARE FEET, OR 0.27 ACRES OF LAND, MORE OR LESS.



3527 EAST JOPPA ROAD / BALTIMORE, MARYLAND 21234
(410) 661-5688 / FAX (410) 661-0728
1-800-555-5411

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: _____ Date of Posting: 9/24/95
Posted for: Special Hearing & Notice
Petitioner: Shun Chor Lai & Shui Heung Lai
Location of property: 1332 Stevens Ave. - 5308, 5310, 5312 East Dr.
Location of Signs: 1332 Stevens Ave. - 5308, 5310, 5312 East Dr.
Remarks: _____
Posted by: [Signature] Date of return: 9/24/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/21, 1995.

THE JEFFERSONIAN,
G. H. [Signature]
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
#72 BY JLL
004923
DATE 8/17/95 ACCOUNT R0016150
96-78-SPHXA AMOUNT \$ 685.00
RECEIVED FROM NP+W FOR SHUN CHOR LAI
ADD: 1332 STEVENS AVE + 5308, 5310, 5312 EAST DR.
FOR SPHXA FILING AND 1 SIGN
01A01H00UPMICHRL \$685.00
24 C008:50AM08-17-95
VALIDATION OR SIGNATURE OF CASHIER
[Signature]

(Revised 04/09/93)



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/30/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SHUN CHOR LAI & SHUI HEUNG LAI

LOCATION: NWC EAST DR. AND STEVENS AVE. (1332 STEVENS AVE. 5308, 5310
5312 EAST DRIVE)

Item No.: 072 Zoning Agenda: SPECIAL HEARING, VARIANCE
SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed
by this Bureau and the comments below are applicable and required to
be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the
Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site
shall comply with all applicable requirements of the National Fire
Protection Association Standard No. 101 "Life Safety Code", 1991
edition prior to occupancy.

RECEIVED
SEP 5 1995

REVIEWER: LT. ROBERT P. SAUERHARD
Fire Marshal Office, PHONE 887-4881, MS-1102F

ZADM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: September 26, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 72, 118, 121, 122

If there should be any further questions or if this office can provide additional
information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey Long*

Division Chief: *Carol K. Kras*

PK/JL

ITEM72/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM *Joyce Watson*

DATE: *8/29/95*

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: *8/28/95*

The Department of Environmental Protection & Resource Management has no
comments for the following Zoning Advisory Committee items:

Item #'s:
65
66
67
68
72
74
78
79

LS:sp

LETTY2/DEPRM/TXTS8P



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-30-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. *072 (JLL)*

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to
approval as it does not access a State roadway and is not affected by any State
Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

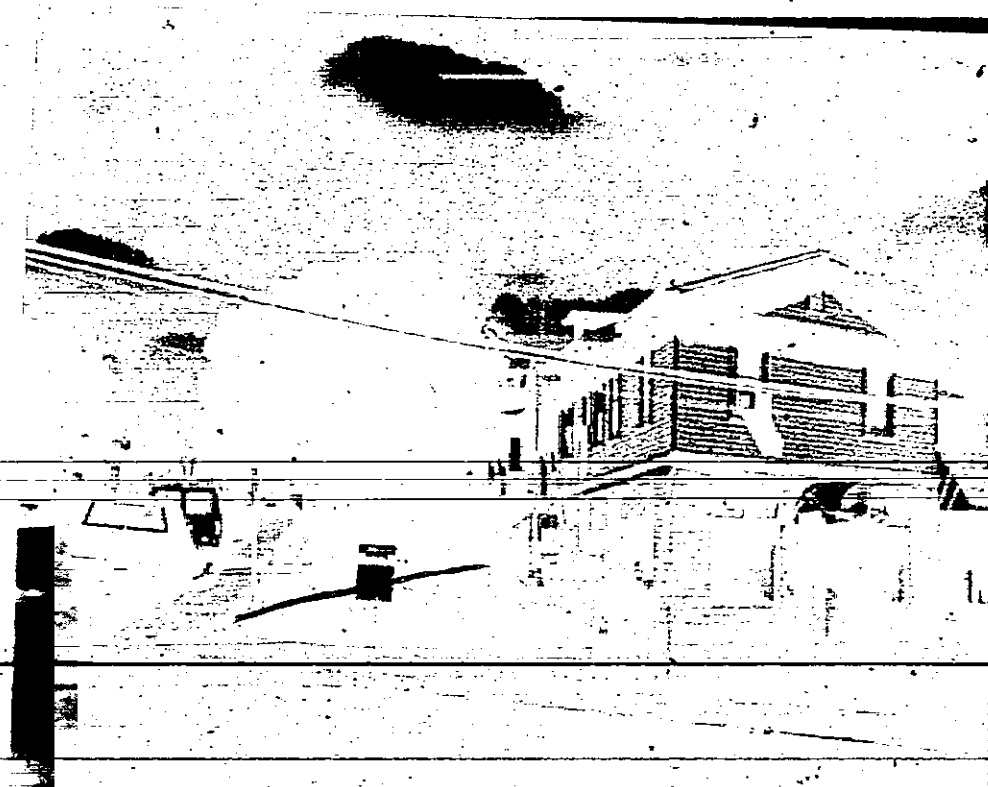
Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

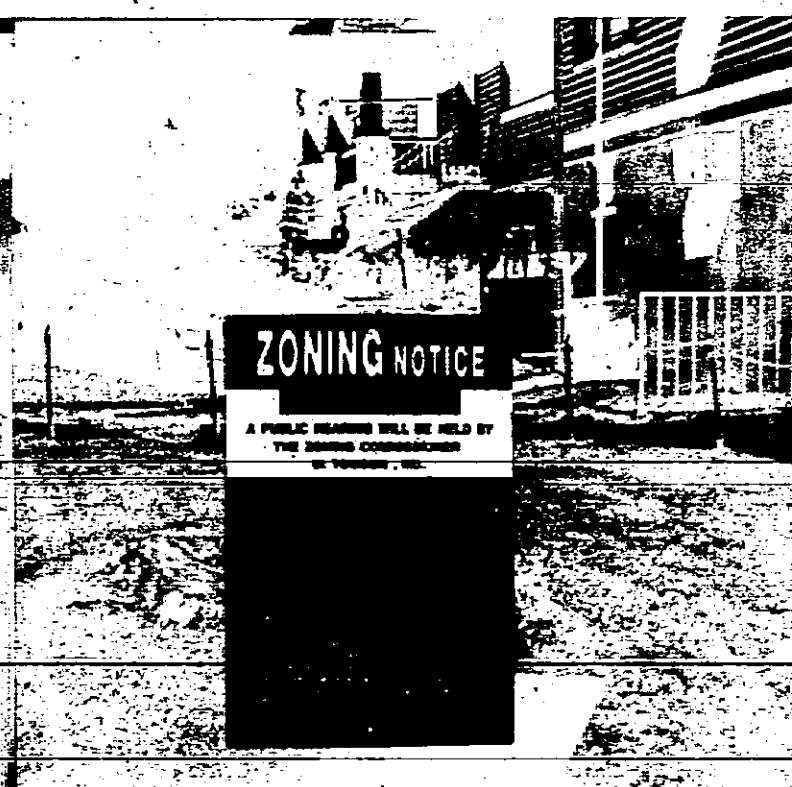
My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



A. Subject Property at North corner
of East River and Stevens Ave.



B. Photo of Zoning Notice sign



C. View of Damaged guttering of 1332
Stevens from East River

Case No. 96-78-5 PAXA
Stevens Avenue - East River



D. Panoramic View of 5300 Block of East River from South side looking north

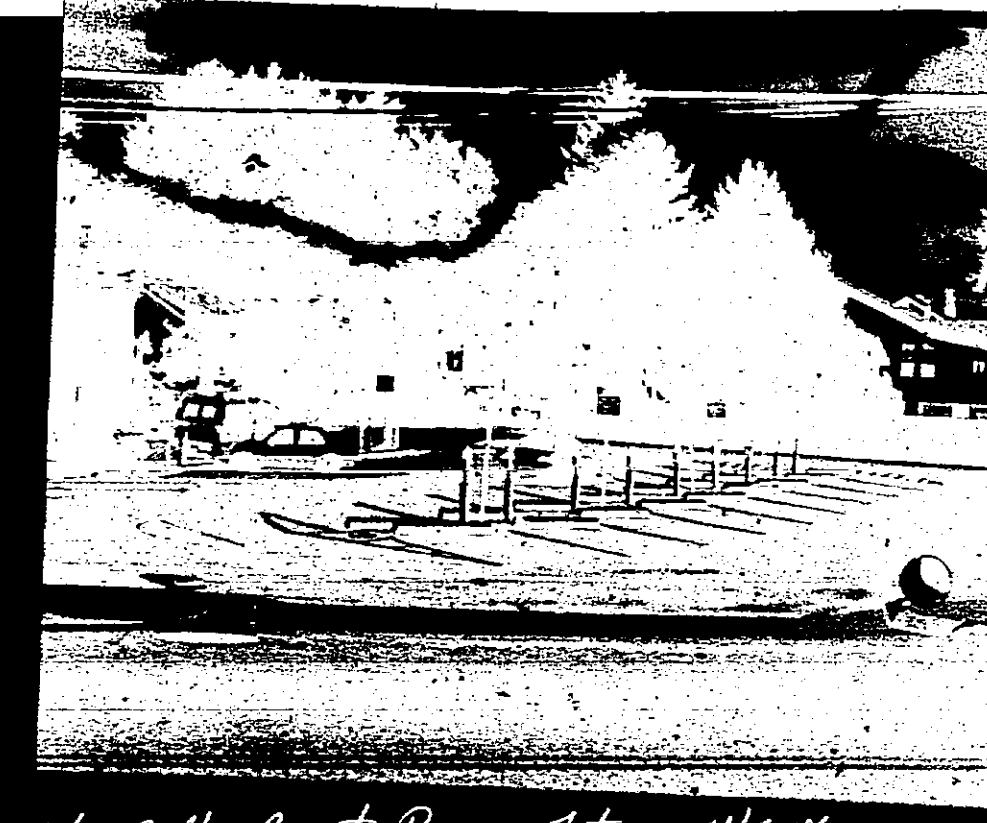


E, 5305 5307 5309 5311 5313

Panoramic View of South side of East Drive - 5300 Block. opposite site



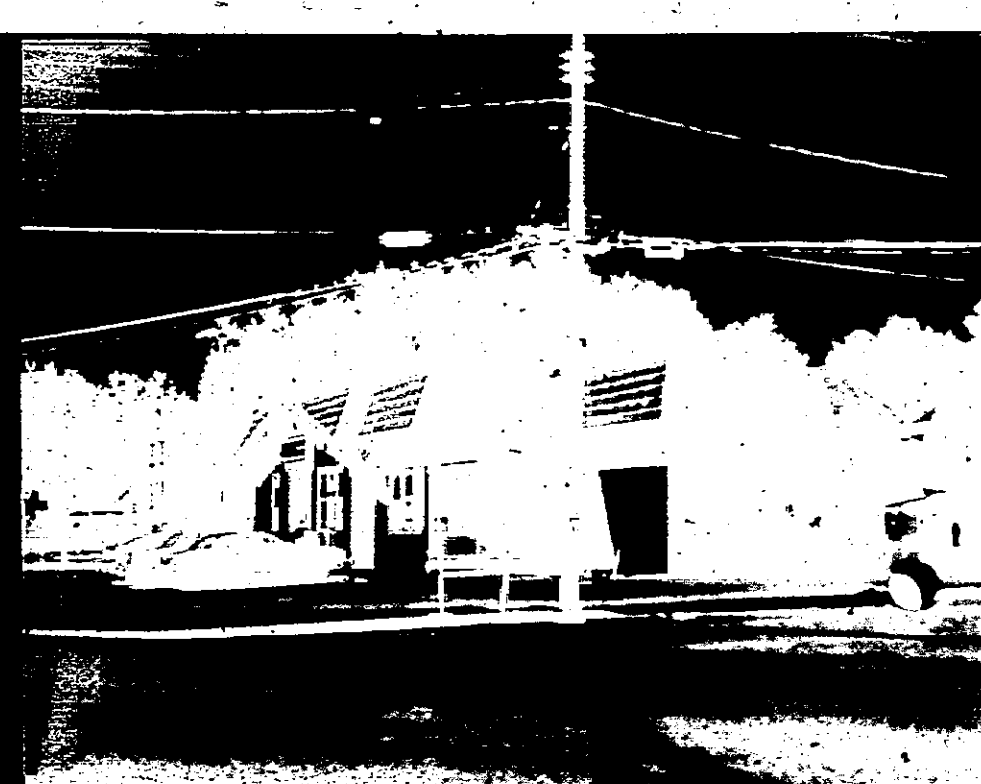
*I. Another view of convenience store opp.
1332 Stevens Ave.*



*J. Balto. County Revenue Lot on W/S of
East Drive which surrounds the
convenience store*



*G. Looking NE on East Ave - subject site
on corner.*



*H. Convenience store on NW corner of
East Drive and Stevens Ave.*



F. 1332 Stevens Ave.



G. From W/S of Stevens Ave. looking East



Expiry Date	Barcode
06/21/25	06/21/25
07/01/25	07/01/25
08/01/25	08/01/25

"PLAN TO ACCOMPANY SPECIAL HEARING OR SPECIAL EXCEPTION AND VARIANCES FOR #1332 STEVENS AVE. & 5308, 5310 AND 5312 EAST DRIVE

1 OF 1

1